

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, MAY 2, 2019 7:00 P.M.  
City Council Chambers  
Hurley Building – 205 Saltonstall St., Canandaigua NY  
City Website: canandaiguanewyork.gov

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Robert Palumbo  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Renée Sutton  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large Stephen Uebbing  
Councilmember-at-Large James Terwilliger  
Mayor Ellen Polimeni

**Absent:** Councilmember-at-Large David Whitcomb (Arrived 7:32 PM)

**Also Present:** City Manager, John Goodwin  
City Clerk-Treasurer Nancy C. Abdallah  
Corporation Counsel Terence Robinson, Boylan Code  
Assistant City Manager Rob Richardson

**Public Hearing: Proposed Application to the New York State Office of Community Renewal – Downtown Bar and Restaurant Rooftop Dining.**

Mayor Polimeni opened the public hearing at 7:02 PM.

Mr. Gleason provided an introduction to the project. The entire space needs to be renovated for a bar-restaurant and he is adding a rooftop patio.

Harry Sicherman, Grant Writer, spoke on the background of the funding they are seeking. These are Community Development Block Grant funds provided by HUD to the States for their small cities' initiatives. Small communities such as yours are able to apply to the NYS Office of Community Renewal for these grants. We are applying for an Economic Development grant with a maximum grant award of \$100,000.

Joe Nacca, Canandaigua, NY – This grant is for a Downtown Bar Restaurant which is good for us but we are not poor or homeless. Funding from the Communities Development Block Grant (CDBG) program has been criticized by many for misdirecting HUD money.

Background-The Federal Housing and Development Agency was established by President Lyndon Johnson in 1964 to help those "living on the outskirts of hope." A couple years later the CDBG program was established with the thought that the States would be better able to target this money. This proved to be a mistake.

Objectives of this program were clearly designed to help the 89,000 homeless people in NYS, the 9,300 people in our County living in poverty and the 345 homeless students in Ontario County. But the CDBG program has been used to fund things such as suburban tennis courts in Illinois and a Lakeside Hotel and Resort Center in Canandaigua NY. There is now an industry to write grant applications that allow such diversion of CDBG money

away from its intended purpose. To our shame we cooperate with this process instead of calling it out.

We can rationalize that if we don't take the money someone else will, and the others do the same. This is an ethically bankrupt game. We need to call on those "others" and our State Legislators to join us to reform the CDBG program.

Mayor Polimeni closed the public hearing at 7:12 PM.

**Review of Community Core Values:** Council Member Ward 1 Cutri read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:** April 4, 2019:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

*Vote Result: Carried unanimously by voice vote (8-0)*

**Recognition of Guests:**

- Council Member Ward 2 Palumbo read Resolution 2019-037 recognizing and thanking Fire Captain Lee DeRuyter for his 31 years of service. Lee was not in attendance and the proclamation was accepted on his behalf by Fire Chief Frank Magnera.
- Cyndi Fordham representing Wood Library spoke about the "Birthday Celebration Event" to be held on May 4<sup>th</sup> from 1-4 PM celebrating the library's 160<sup>th</sup> Birthday. There will be many activities for the entire family. The library will be celebrating all year long so please watch for events on the library calendar.
- Mike DeBadts Principal with Raymond F. Wager, CPA, P.C., A Division of Mengel, Metzger Barr & Co. LLP, reviewed the December 31, 2018 Audited Financial Statements with City Council. The information was reviewed in detail at the Finance Committee meeting on April 30<sup>th</sup>, in which the financial condition of the City, year over year variances, all the major funds, reserves, and fund balance was discussed. The City ended the year in very good financial condition and does a good job in maintaining and monitoring the fund balance. This is a result of good budget practices by the City. The City received an unmodified opinion with no material weaknesses or significant deficiencies were reported.
- Suzi van der Sterre, Chairperson of the Climate Smart Committee, spoke about the Bronze level certification awarded to the City of Canandaigua. This was achieved primarily due to the solar array, composting project, electric charging station and energy audits on government buildings. Earthapalooza was held on Earth day in conjunction with Wood Library. They do have a Facebook page for events and educational information. They will be working on three major priorities over the next 6-18 months.
- Michael Yarger, Rochester NY, disappointed in things going on in Canandaigua. He read the rules on open meetings and the executive session exceptions, especially in regards to real property, and questioned if the Council is properly applying the rules. He read a letter sent by City Manager John D. Goodwin to our state representatives regarding the docks and in his opinion the discussion concerning this should have been held in open session. City Attorney Terence Robison affirmed Council decision to go into executive session. Mr. Yarger suggested that City Council should include "open and transparent government" in the Core Values.

## **Committee Reports:**

***Planning/Development Committee:*** April 2, 2019 (Reported at the April 4<sup>th</sup> Council Meeting)

***Environmental/Parks Committee:*** April 9, 2019 (Appendix A)

- Lagoon Park Nesting Boxes
- Wood Library Passes
- Canandaigua Reciprocal Beach Pass Pilot
- Day Camp Family Rate
- Community Free Recycle Day

***Ordinance/PUD Committee:*** April 16, 2019 (Appendix B)

- Peacemaker Brewery Summer Concert
- Ordinance Reducing Single-Use Plastics
- Cannabidiol (CBD) Oils
- Vaping and Tobacco Establishments
- Sidewalk Ordinance

***Finance/Budget Committee:*** April 30, 2019 (Appendix C)

- Pickleball Courts
- Engineering Services-HVAC Upgrades at the Water Treatment Plant
- Petty Cash for Kershaw
- Volunteer Firefighter Tax Exemption
- MOU for Canandaigua Local Development Corporation
- 2018 Year End Financials

## **Resolutions:**

### **Resolution #2019-037**

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember-at-Large Uebbing

#### **A RESOLUTION RECOGNIZING AND THANKING FIRE CAPTAIN LEE DERUYTER FOR HIS 31 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

**WHEREAS**, Lee DeRuyter has served the City of Canandaigua since July 4, 1987 as a Firefighter and Fire Captain for the Fire Department and celebrated his retirement on April 30, 2019; and

**WHEREAS**, during his 31+ years, Lee has shown exceptional loyalty, dedication, and made a positive difference in countless lives, both in the City and Town of Canandaigua as well as the region; and

**WHEREAS**, Lee has served under nine Fire Chiefs, seven City Managers, four Mayors, and twenty City Councils; and

**WHEREAS**, Lee has served as Interim Fire Chief on two separation occasions, led the City's Fire Alarm Program, was a 911 Dispatcher and a Deputy Ontario County Fire Coordinator; and

**WHEREAS**, during his distinguished career, Lee has performed his duties with professionalism, poise, and commitment, and through Lee's assistance over the years, the Canandaigua Fire Department has become even more efficient in its delivery of quality fire protection to the community; and

**WHEREAS**, his leadership, mentoring, and experience has proven to be an enormous benefit to fellow firefighters in several ways, all of which have contributed to Canandaigua being one of the greatest and well-trained Fire Departments in the area;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Captain Lee DeRuyter for his 31+ years of dedicated service to the City of Canandaigua and wishes him many happy years of retirement.

*Vote Result: Carried unanimously by voice vote (8-0)*

### **Resolution #2019-038**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Sutton

#### **A RESOLUTION AUTHORIZING NESTING BOXES IN LAGOON PARK**

**WHEREAS**, Ducks Unlimited (DU), with support from Canandaigua Lake Ducks Hunters Association, has started a "DU Chapter Varsity Club" at several high schools in the area including Canandaigua Academy; and

**WHEREAS**, the club approached the City with a request to place wooden nesting boxes for ducks and other birds in Lagoon Park; and

**WHEREAS**, the nesting boxes would be placed on posts provided by the varsity chapter, who will also be responsible for installing, maintaining, and cleaning them each spring for the upcoming nesting season; and

**WHEREAS**, the nesting boxes are appropriate additions to Lagoon Park as the park is a nature preserve and a "forever wild park," and Staff recommended approving the request and accepting the donation of the nesting boxes; and

**WHEREAS**, this request was reviewed and approved at the April 9<sup>th</sup> Environmental/Parks Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby accepts the donation of wooden nesting boxes from the Canandaigua Lake Ducks Hunters Association DU Chapter Varsity Club and authorizes the installation of these nesting boxes in Lagoon Park.

*Vote Result: Carried unanimously by voice vote (9-0)*

### **Resolution #2019-039**

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION APPROVING THE INCLUSION OF KERSHAW PARK  
IN THE WOOD LIBRARY VIP PROGRAM**

**WHEREAS**, The Very Important Places (VIP) program, run by Wood Library, allows families to “check out” passes allowing them to access area attractions using their library card; and

**WHEREAS**, the VIP Program includes access to New York State Parks, the Rochester Museum and Science Center pass, Genesee Country Museum pass and the Memorial Art Gallery; and

**WHEREAS**, Wood Library is working on offering attractions in Canandaigua, and approached the City about including Kershaw Park in the VIP Program; and

**WHEREAS**, they are requesting four season passes in total and asking for a rate of \$35 per pass for a total of \$140, and Staff recommended partnering with the VIP program to offer greater access to Kershaw Park for Wood Library card holders; and

**WHEREAS**, this proposal was reviewed and approved at the April 9<sup>th</sup> Environmental/Parks Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby approves the inclusion of Kershaw Park in the Wood Library VIP Program.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Resolution #2019-040**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION APPROVING A RECIPROCAL BEACH PASS PILOT PROGRAM  
WITH THE TOWN OF CANANDAIGUA**

**WHEREAS**, The City and Town have been exploring ways to expand our shared services initiatives, with one such initiative being shared access to parks; and

**WHEREAS**, last year, the City and Town began discussing the possibility of a reciprocal beach pass that would allow Town residents access to Kershaw Park and City residents access to Onanda Park at no cost to citizens; and

**WHEREAS**, to determine the feasibility of this shared service, a pilot program was proposed for this year where 100 cards would be issued to each municipality allowing residents park access; and

**WHEREAS**, usage would be tracked by issuing a fixed number of cards to residents participating in the pilot program to determine the level of interest, access utilized, and whether or not the initiative is viable; and

**WHEREAS**, City Council approval is required to waive the fee for the pilot program, and Staff recommended approving the pilot program as a way to further expand our shared services initiative; and

**WHEREAS**, this recommendation was reviewed and approved at the April 9<sup>th</sup> Environmental/Parks Committee meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby approves the reciprocal beach pass pilot program with the Town of Canandaigua and agrees to waive the fees for program participation.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-041**

Moved: Councilmember-at-Large Whitcomb

Seconded: Council Member Ward 1 Cutri

## **A RESOLUTION AUTHORIZING AN EXCEPTION TO THE NOISE ORDINANCE**

**WHEREAS**, the Peacemaker Brewing Company and Rio Tomatlan are planning a concert to take place in the parking lot of Rio Tomatlan on July 13, 2019; and

**WHEREAS**, the concert will take place from 6:00 PM to 10:30 PM and is expected to create noise levels that exceed those generally permitted by the City's Noise Ordinance; and

**WHEREAS**, § 494-6(F) of the Municipal Code of the City of Canandaigua provides that the City Council may grant exceptions to the Noise Ordinance through a resolution on the basis of special or unusual circumstances and that the City Council, if it grants a special exemption, may apply restrictions such as the Council deems appropriate; and

**WHEREAS**, the Peacemaker Brewing Company and Rio Tomatlan requested such an exemption and said request was reviewed and approved by the Ordinance Committee at its April 16, 2019 meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a special exemption to the Noise Ordinance is hereby granted to the Peacemaker Brewing Company and Rio Tomatlan for a concert to be held on July 13, 2019; and

**BE IT FURTHER RESOLVED** that the Peacemaker Brewing Company and Rio Tomatlan shall provide written notice at least two weeks in advance of the event to the surrounding neighborhood on Bemis, Chapin, Bristol, Coach and Coy Streets and Ellis Place.

*Vote Result: Carried unanimously by voice vote (9-0)*

### **Resolution #2019-042**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION  
TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL  
FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

**WHEREAS**, 107 S. Main Corp., d/b/a Aquila (hereinafter Aquila) plans to complete the renovation and equipping of a restaurant facility at 170 South Main Street in the City of Canandaigua, New York at an estimated cost of \$394,000 (hereinafter the “Project”); and

**WHEREAS**, Aquila is expected to employ 4 full-time equivalent persons in their operations; and

**WHEREAS**, the Project will add to the City’s property and sales tax revenues and support the continued viability of the City’s historic downtown commercial area; and

**WHEREAS**, Aquila has requested that the City of Canandaigua apply on its behalf for funding for the Project from the New York State Office of Community Renewal (OCR); and

**WHEREAS**, the City has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the Project;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the Mayor to submit a grant application in an amount to be determined by the OCR and not to exceed the sum of one hundred thousand dollars (\$100,000), such amount to be provided as a grant to the Company to finance a portion of the furnishings, fixtures, equipment, or working capital costs required for the Project; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, subject to review and approval by the City Attorney.

*Discussion:*

- *Councilmember Ward 3 White spoke about the purpose of this fund which was to help low-and moderate-income people and we should seek to secure funds for that purpose.*
- *Councilmember-at-Large Whitcomb said that someone else will get these funds that have been allocated for this purpose. Money is available and we should do what we can to bring it to Canandaigua.*
- *Councilmember Ward 4 Sutton will not support this resolution but wishes the business success. Not supporting this resolution in no way indicates that we do not support this business, but this is not what these funds are to be used for. There is no guarantee that they will hire low income people but just that those are the jobs available. This is an example of public dollars supporting private business people.*
- *Councilmember-at-Large Uebbing agreed to move this from committee but not decided to support it. He spent time going back to the original intent of this legislation which was for housing and economic development that would help low income people. In his opinion this does not meet the original intent of the legislation. He does support this business for the City of Canandaigua.*

- *Councilmember-at-Large Terwilliger will support this resolution. It is not our job at the local level to decide on the criteria for these funds. Let the application go forward and be judged on the merits of the program.*
- *Councilmember-at-Large O'Brien will be supporting this resolution. It is not our place to decide if the public program is correct under the current rules.*
- *Council Member Ward 2 Palumbo has been on the fence with this issue and is not in favor of other programs such as PILOT's. But has decided that this is good for Canandaigua and the funding, in its current form, is available.*
- *Council Member Ward 1 Cutri will support this resolution because it supports downtown.*
- *Mayor Polimeni is in support of this resolution and the downtown business. If we have a problem with how the funds are being allocated then we should take this up with our elected officials.*
- *Joe Nacca – The CDBG objectives for this program have not changed.*

*The motion CARRIED on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: Councilmember Ward 3 White, Councilmember Ward 4 Sutton and Councilmember-at-Large Uebbing*

### **Resolution #2019-043**

Moved: Council Member Ward 1 Cutri

Seconded: Council Member Ward 2 Palumbo

## **A RESOLUTION AWARDING A CONTRACT FOR PICKLEBALL COURT CONVERSION**

**WHEREAS**, as part of the One Canandaigua initiative, the City and Town have been working together to establish Pickleball courts at Sonnenberg Park; and

**WHEREAS**, the 2019 Adopted Budget included funds (\$46,000) to convert the existing tennis courts into designated Pickleball courts, and the City opened a bid on April 19th for this project; and

**WHEREAS**, the lowest responsible bid was submitted by Nagle Athletic Surfaces, located at 6597 Joy Road in Syracuse, NY, for a total amount of \$49,092; and

**WHEREAS**, as the lowest responsible bid was over the budgeted amount, City Staff recommends City Council appropriate an additional \$3,092 to fund the project and award the contract to Nagle Athletic Surfaces so the project can move forward; and

**WHEREAS**, that recommendation was reviewed at approved at the April 30<sup>th</sup> Finance/Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby awards a contract for Pickleball Court Conversion to Nagle Athletic Surfaces, located at 6597 Joy Road in Syracuse, NY, for a total amount of \$49,092; and

**BE IT FURTHER RESOLVED**, that City Council appropriates an additional \$3,092 from the Capital Reserve to fully fund the project.

*The motion CARRIED UNANIMOUSLY on the following vote:*



***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

**Resolution #2019-044**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR HVAC UPGRADES AT THE WATER TREATMENT PLANT**

**WHEREAS**, as part of the street light performance contract with SmartWatt, the City looked at including HVAC upgrades at the Water Treatment Plant; and

**WHEREAS**, the HVAC upgrades, which are needed regardless due to the age of the current systems and recent failures, did not meet the guidelines for a performance contract and needed to be bid out; and

**WHEREAS**, an RFP for the engineering services needed to design the HVAC upgrades opened April 12th, with the lowest responsible bid submitted by Hunt Engineering located at 100 Hunt Center in Horseheads, NY for an amount not to exceed \$14,700; and

**WHEREAS**, Staff recommended awarding the contract to Hunt Engineering, and this recommendation was reviewed and approved at the April 30<sup>th</sup> Finance Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby awards a contract for Engineering Services for HVAC upgrades at the Water Treatment Plant to Hunt Engineering located at 100 Hunt Center in Horseheads, NY for an amount not to exceed \$14,700.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

**Resolution #2019-045**

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 3 White

**A RESOLUTION ESTABLISHING A PETTY CASH FUND FOR KERSHAW PARK**

**WHEREAS**, cash funds in the amount of two- hundred dollars (\$200) are needed for non-resident admission to the beach area at Kershaw Park during the summer season; and

**WHEREAS**, Heather Krebs, Recreation Supervisor, will be the sole concessionaire for these funds;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager is hereby authorized to establish a petty cash fund from the General Fund in the amount of two- hundred dollars (\$200) for use at Kershaw Park during the summer season of 2019.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Resolution #2019-046**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH  
THE TOWN OF CANANDAIGUA FOR THE CREATION OF A  
LOCAL DEVELOPMENT CORPORATION**

**WHEREAS**, the City of Canandaigua desires to create a joint Local Development Corporation with the Town of Canandaigua and the Canandaigua Chamber of Commerce under the New York State Non-Profit Corporations Law; and

**WHEREAS**, a Memorandum of Understanding has been prepared to formalize the understanding related to the creation of the Local Development Corporation; and

**WHEREAS**, both the City and the Town of Canandaigua have agreed to support the Local Development Corporation with annual contributions of \$50,000.00 each for three (3) consecutive years; and

**WHEREAS**, the MOU was reviewed and approved at the April 30<sup>th</sup> Finance/Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council authorizes the City Manager to execute the Memorandum of Understanding in substantially the same form and attached here to for the creation of a Local Development Corporation.

*The motion CARRIED on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: Councilmember-at-Large O'Brien*

**Ordinances:** None

**Local Laws:** None

**Manager's Report:** City Manager John D. Goodwin reported the following:

- National Dog Park Day is Saturday, May 5<sup>th</sup> and we will have a ribbon cutting for the dog park.

- Tom's Mobil-Asbestos Abatement should be done soon, then the structures will be demolished. NYS DEC will then remediate the site.
- We will be milling on South Main St. because of deterioration but it is beyond the arterial maintenance contract with NYS. We will also be looking at other areas of the City.
- Streetlight project was finally approved by the Public Service Commission so we will be scheduling work this summer with Smartwatt.

**Appointments:** None

**Miscellaneous:**

- Mayor Polimeni read a proclamation for Poppy Days.
- National Day of Prayer Proclamation was read at the National Day of Prayer.

**Adjournment**

Councilmember Ward 3 White moved to adjourn the regular session at 9:01 PM. Council Member Ward 2 Palumbo seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0).*

Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

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**APPENDIX A**  
**ENVIRONMENTAL/PARKS COMMITTEE**  
**Tuesday, April 9, 2019**  
**7:00 PM**  
**Council Chambers- The Hurley Building**

**Committee:** Karen White- Chair, Bob Palumbo (Absent), Renée Sutton, Dave Whitcomb

**Other Councilmembers:** Mayor Polimeni, Robert O'Brien, Steve Uebbing

**Staff:** John D. Goodwin, Rob Richardson

**1. Lagoon Park Nesting Boxes**

Ducks Unlimited (DU), with support from Canandaigua Lake Ducks Hunters Association, has started a "DU Chapter Varsity Club" at several high schools in the area including Canandaigua Academy. One of the projects they are in the process of completing is Wood Duck Boxes. Ryan Powers, one of the club's mentors, approached the City with a request to place some of these nesting boxes in Lagoon Park. The nesting boxes would be placed on posts provided by the varsity chapter, who will also be responsible for installing, maintaining, and cleaning them each spring for the upcoming nesting season. The nesting boxes are appropriate additions to Lagoon Park as the park is a nature preserve and a "forever wild park." Staff recommends approving the request and accepting the donation of the nesting boxes. Ryan Powers, one of the DU Chapter Varsity Club mentors, has been invited to the meeting to discuss their proposal and answer questions.

Ryan was at the meeting to discuss the proposal and provided a brief synopsis of the program and his request. He is hoping for City Council approval to put a few of these boxes into Lagoon Park. Ryan added owls also uses these boxes as nesting structures. Karen asked him how many he planned to put in the park, and he hoped 3-4. He has also received approval from the Town to install them in Outhouse Park. Dave pointed out that this is the intention of Outhouse Park, but asked if there would be conflicts with other wildlife, and Ryan said no- these are in several places already.

**Bob moved to approve the proposal, Renée seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

**2. Wood Library - Very Important Places Program**

The Very Important Places (VIP) program, run by Wood Library, allows families to "check out" passes allowing them to access area attractions using their library card. As of now, the VIP Program includes access to New York State Parks, the Rochester Museum and Science Center pass, Genesee Country Museum pass and the Memorial Art Gallery. They are working on offering attractions in Canandaigua, and approached the City about including Kershaw Park in the VIP Program. They are requesting 4 season passes in total and asking for a rate of \$35 per pass for a total of \$140. Staff recommends partnering with the VIP program to offer greater access to Kershaw Park for Wood Library card holders.

Jenny Goodemote from the Wood Library was at the meeting to discuss the request. Jenny pointed out the Library pays for the passes and works with each vendor individually to negotiate price. John added this is a slight discount from the non-resident season pass price. These passes are taken out like library books so they are always available on a first come, first serve basis. There is no cost and they are available to any library members. She has also approached the Town and Sonnenberg Gardens about

participating. Steve asked how this aligns with the libraries mission, and Jenny said it fits with their views on accessibility and utilizing community resources. They are also loaning out wi-fi hotspots which gives people who can't afford internet access.

**Dave moved to approve the request, Renée seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

### **3. Canandaigua Reciprocal Beach Pass PILOT**

The City and Town have been exploring ways to expand our shared services initiatives, with one such initiative being shared access to parks. Last year, the City and Town began discussing the possibility of a reciprocal beach pass that would allow Town residents access to Kershaw Park and City residents access to Onanda Park at no cost to citizens. To determine the feasibility of this shared service, a pilot program was proposed for this year (100 cards for each municipality). Usage would be tracked by issuing a fixed number of cards to residents participating in the pilot program to determine the level of interest, access utilized, and whether or not the initiative is viable. City Council approval is required to waive the fee for the pilot program.

John provided a brief overview of this agenda item. The Mayor likes this idea and thinks this would be a good way to track the interest and determine if this should be permanent. Karen likes the pilot approach, but is concerned these passes could be shared around. Bob asked what the fee is for Onanda, and John said it is \$5 to park on the beach side. He's also been told there is a fee to swim there but they haven't really enforced it- they will this year though. Bob suggested charging for the pilot passes, and John is concerned about the impact on Kershaw as a revenue source. Renée asked if we have any data surrounding non-residents using Kershaw, and John said finding out the losses is hard because we can't determine where the visitors come from. Robert thinks this gives us an opportunity to get that data to help make future decisions, and in the spirit of cooperation is important. He also thinks charging a dollar for lifetime usage is a little low. John pointed out their tax dollars pay for their usage. The Mayor gets comments all the time that our beach isn't big enough, and this could give us the data we need to try and expand. Renée is in favor of this as a pilot, and an additional benefit for the City is the businesses near Kershaw would also benefit. Dave agrees with Renée, and population/demand is growing but pointed out we would need to be on solid ground before making any long-term decisions. Renée asked where the Town Board is on this, and John said it is on their agenda this month.

**Bob moved to approve the pilot, Dave seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

### **4. Day Camp Family Rate**

In previous summers, the cost for field trips was not included in the \$70 per child and \$160 family rate for three or more children. This summer, the cost for field trips was factored in which raised the cost to \$90 per child. When altering the price for individual registrations, however, the family rate was mistakenly not adjusted and remained at \$160. In an effort to correct this, Staff recommends raising the family rate from \$160 per week to \$200 per week, which would address this issue while still offering significant savings to families with three children or more.

John provided a brief overview of the agenda item. Bob asked how many people typically sign up for the Day Camp, and John said we are usually at full capacity. Renée pointed out the process might be messy, but this model is not sustainable and she is in support of changing the pricing. Steve feels like we made this mistake and we need to eat it. He feels the damage to public trust and faith is greater than the monetary gain changing the price would create. Robert thinks we should make this change, and at this

point the damage would be limited as it is early on. John added that we have an online system that will allow us to put out an e-mail blast apologizing and explaining our mistake. Renée suggested having the Family Rate customers pay for field trips. Bob is concerned the time between this meeting and the Council meeting would create a messier situation. The Mayor agreed with Renée's field trip proposal. Larry Akin thinks we should change the price and e-mail blast parents. Dave is concerned with the equity- because we caught our mistake people who register late get penalized. Karen is in favor of adjusting the rate and providing notification.

**Bob moved charging the advertised family price and charge for field trips, Renée seconded.**

**3 in favor, 1 opposed. Motion carries to Full City Council.**

Karen wants to know if there are grants the City can apply for to underwrite/subsidize the cost of day camps. We write grants for businesses and we should be willing to help families. The Mayor said part of why you might not see grants for this is people who are in need get funneled through DSS. Renée suggested looking at the American Camp Association. Steve also suggested a graduated income scale. He also suggested talking to Rotary, Kiwanis, etc. for help funding camp opportunities for City residents in need.

##### **5. Community Free-Cycle Day**

At the request of Councilmember Karen White, a discussion was added to the agenda regarding a "Community Free-Cycle Day." The proposal would involve a designated day for garage sales and allowing residents/property owners to put unwanted bulk items at the curb to be collected by scrappers or other interested parties. City Staff is concerned that items placed in the right-of-way for this purpose will be left beyond the designated period, negatively impacting the cleanliness and presentation of the City. Further, Staff is concerned about potentially violating current New York State waste disposal regulations, and the potential for non-city residents to dispose of unwanted items in the City.

Karen stated that a few years ago Council was in favor of having a curbside rummage day, and she wanted to bring it to Council. She states we don't need to decide this now, but we should start discussing this. She sees this as a community event. Dave agrees with Staff concerns, but he does like the idea of the Community Garage Sale. He also thinks that the items left at the curb would go on their own, because he's seen weird stuff get taken from the curb. Renée agrees with Staff and sees a huge quagmire. The Mayor said when this was previously discussed it was going to be done by wards- the traffic issues could be a mess. Steve doesn't think this is a function of City Council- this should be done by a community group. Renée would like to see more details and what the rules are before making any decisions- we need more meat. Karen said she would pull together more information and see if there are other communities, we could model this from. Karen would like to see a swap shop similar to Victor.

**Bob motioned to adjourn, Renée seconded.**

**Meeting adjourned at 8:24 p.m.**

**APPENDIX B  
ORDINANCE COMMITTEE**

**Tuesday, April 16, 2019**

**7:00 PM**

**Council Chambers- The Hurley Building**

**Committee:** David Whitcomb, Chair, Nick Cutri, Jim Terwilliger, Karen White

**Other Councilmembers:** Mayor Polimeni, Bob Palumbo, Renée Sutton, Robert O'Brien, Steve Uebbing

**Staff:** John D. Goodwin, Rob Richardson, Steve Hedworth, Terence Robinson (8:28 p.m.)

**1. Peacemaker Noise Ordinance**

Peacemaker Brewing Company is interested in putting together a concert in the Rio Tomatlan parking lot as they have for the last two summers, with the proposed date for the concert being July 13, 2019. Similar to past years, the event will require a noise ordinance exemption from City Council. The noise ordinance (attached) allows for the City Council to grant special exemptions based on special or unusual circumstances. The event organizers complied with all City requests and there have been no major issues. Todd Reardon from Peacemaker Brewing Company will be at the meeting to answer questions.

Todd was at the meeting to discuss his proposal. He plans to end at 10:30 p.m. like he did last year. Karen spoke to residents who have no problems and thought the event was well run. Renée thinks this is a great event.

**Nick moved to approve the request; Karen seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

**2. Ordinance Reducing Single-Use Plastics**

Last year, upon the request of Councilmember David Whitcomb, the Ordinance Committee began a discussion of an ordinance banning the use of plastic straws in the City. After much discussion the Committee decided to explore a more comprehensive approach and potentially adding other items such as plastic bags and polystyrene foam items in an effort to reduce waste and prevent pollution. At the February 19<sup>th</sup> Ordinance Committee meeting, Council decided more information was needed before taking any legislative action and directed Staff to invite community stakeholders who would be impacted by such a ban. At its March 19<sup>th</sup> meeting, representatives from Wegmans and Pactiv addressed Council and discussed how the proposed ordinance would impact their business operationally and economically. For this month's meeting, representatives from the Canandaigua City School District, Ontario County, and the Town of Canandaigua will be at the meeting to share how the proposed ordinance could impact them. This is an ongoing discussion.

Jaime Farr was the first person who spoke. His food service director said he would hope the same exemptions applies to them, but it would impact food service. They want to be better stewards to the environment and have contracted impact earth to come look at how the school operates. Their biggest concern is the use of Styrofoam trays and the compostable ones are much more expensive. He would like to move to reusable trays but they cannot fully staff their kitchens. They will often post jobs but get no response, and they need to go through Civil Service approval. Going to reusable trays would require an addition 4 cafeteria workers but they struggle to fill these jobs as is. They would also need dishwashers and materials for trays to be reused. The trays would run at least a \$20,000-30,000 cost. They are hoping to move towards more sustainable measures in the future and looking to take 1 to 2 initiatives annually which he believes is achievable. Renée asked if there are recycling containers, and Jaime said there are but they need to have containers that look uniform to

train students on good habits.

Doug Finch and Caitlin from the Town went next, and Caitlin runs all the sustainability initiatives and the Transfer Station for the Town. Caitlin has already done presentations in the High School and Middle School regarding recycling, and is exploring training teachers as well. They are just getting this effort started and she only has so much time. The Environmental Committee for the Town is going to donate a compost bin for the School's green house. They have also been working on improving existing programs at the transfer station including electronics, and they have also started collected food and organic waste via national upcycling to pick up that waste and take it to be anerobic digested or to a typical compost facility. They provide a kitchen bin and a 6-gallon transfer station bucket to residents. Caitlin has been surprised by the response, and the slow and steady participation kept up through the winter. They just reordered the bins and compostable liners for residents. They also have started collecting plastic bags and films via a partnership with Wegmans and the program has been extremely successful. They are hiring a consultant using Ontario County money to help develop promotional and educational materials. They have also spent time and money on their website to make sure that the available information is current. Doug suggested we could work with them through their consultant.

Carla Jordan from Ontario County's Department of Sustainability was at the meeting to discuss the County's efforts. She spoke about some of the programs available through Ontario County, and she echoes the same sentiments as Caitlin. When people aren't buying products made from recycling materials the demand is not there. Similar to the Town, the County has created a Website to provide information. Canandaigua is always the area with the highest participation rate in Ontario County events. She also thinks we've created a culture here where people think before they throw things away. Ontario County just created her department in January so her work is just getting started.

### **3. Cannabidiol (CBD) Oils**

Recently concerns have been raised about establishments Downtown selling Cannabidiol (CBD) Oils. The CBD compound, purported to ease anxiety, soothe pain, and promote better sleep without the "high," intoxicated effect caused by tetrahydrocannabinol (THC) found in marijuana. CBD is now in hundreds of products and, along with CBD and cannabis related businesses, will be sold in major chain stores and big-box pharmacies. Councilmember Robert O'Brien has called for a moratorium on all CBD sales in the City of Canandaigua while zoning options are explored. Despite the potential health benefits and lack of clarity on which businesses could be impacted, this item has been added to the agenda for further discussion.

John provided a brief overview of this item. Residents are concerned. Councilmember O'Brien wants a moratorium and a larger discussion. Bob stated he knows a lot of people who use this, particularly the elderly, who use this to treat a variety of issues. He's used it to help with his own hand issues. He isn't concerned this is an issue. The more the Mayor has read she thinks this is so prevalent and in so many different forms that isolating it would be difficult.

### **4. Vaping and Tobacco Establishments**

There have been concerns raised recently regarding the number and proximity of vaping/tobacco establishments in the City, particularly in the Downtown area. Mayor Polimeni has requested City Council consider a zoning be change to require a certain distance between these establishments, similar to gas stations. Zoning Code § 850-82F, regarding motor vehicle service stations, requires that "no motor vehicle service station shall be located within a radius of 1,000 feet of an existing service station or an existing convenience store which sells petroleum products." Council could put similar restrictions on primary use vaping and tobacco establishments in the City of Canandaigua.

The Mayor is concerned about the issues with vaping- the delivery mechanisms are getting stealthier and teens are getting more access. She would like to see a restriction similar to the one put on fueling stations. Dave struggles with these types of issues because we should help facilitate business, but not to pick and choose what we like to support. We need to stick to the comprehensive plan to make it a lively district. Denise



believes these are positioning themselves should marijuana become legal, but Karen thinks that is a completely different topic all together. Steve believes the use of nicotine is one of the worst things people of all ages face, and the long-term impacts and health costs are astronomical. Anything we can do to stem the public health impact should be addressed. The Mayor believes this is something we should look at, and Renée would like to see a moratorium on new vaping stores. Terence said we can ban land use, but can not put a moratorium on a permissible local business. Dave could be supportive of rezoning to prevent them from being Downtown. Karen added the State is moving the smoking age to 21, which will help with the problem. Staff was directed to come back next month with options. Renée said this is why we should go with the licensing approach, and Steve thinks we should have Staff come up with options. The Mayor agrees with Steve.

## **5. Sidewalk Ordinance**

Last year, as part of the National Citizen's Survey (NCS), the City asked residents if the snow and ice removal policy should remain and how the City was doing in regard to enforcement. According to the NCS results, 72% agreed that the current City policy on snow removal should remain. The NCS results also showed that 59% of residents felt the City does not do a good job enforcing the policy. Based on these results, the City Manager directed DPW to be proactive in enforcing the snow removal policy in an effort to keep Canandaigua a walkable community year-round. At the March 27<sup>th</sup> Finance/Budget Committee meeting, residents that received bills for the City's snow and ice removal raised concerns with City Council about the policy and enforcement. As a result, the committee suggested the ordinance should be reviewed and referred it to the Ordinance Committee for further discussion.

John provided a brief synopsis of this item again. About the only thing Renée recommends is to include what the amount of the charge will be. Other than that, she thinks its fine. Nick agrees. Terence suggests we also include the fine amount, and Renée agrees. Robert thinks we should use the verbiage fee instead of fine. Robert proposes changing it to a charge for a half hour as opposed to the hour. Steve would like to see additional notification procedures. The Mayor thinks we need a database of e-mails.

**Nick motioned to close, Karen seconded.**

**Meeting adjourned at 9:03 p.m.**

**APPENDIX C**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, April 30, 2019**  
**7:00 p.m.**  
**Council Chambers- The Hurley Building**

**Committee:** James Terwilliger, Chairman (Absent), Robert O'Brien, Steve Uebbing, Nick Cutri

**Other Councilmembers:** Mayor Polimeni, Bob Palumbo, Karen White, Renée Sutton, Dave Whitcomb

**Staff:** John D. Goodwin, Rob Richardson, Terence Robinson, Jim Sprague, Nancy Abdallah

**1. Pickleball**

As part of the One Canandaigua initiative, the City and Town have been working together to establish Pickleball courts at Sonnenberg Park. The 2019 Adopted Budget included funds (\$46,000) to convert the existing tennis courts into designated Pickleball courts, and the City opened a bid on April 19<sup>th</sup> for this project. The lowest responsible bid was submitted by Nagle Athletic Surfaces, located at 6597 Joy Road in Syracuse, NY, for the total amount of \$49,092. As the lowest responsible bid was over the budgeted amount, City Staff recommends City Council appropriate an additional \$3,092 to fund the project and award the contract to Nagle Athletic Surfaces. Jim Sprague will be at the meeting to discuss this request and answer questions.

This item was bypassed to discuss the last item on the agenda.

The bids came in a touch higher than anticipated. We will be taking the money of the capital reserve. The Mayor would like to have Ward 1 well informed, and John said we can do that. Karen asked if these modifications will make these courts pickleball official, and John said yes- in face they intend to hold a tournament. The Town shared the cost, and they will likely split this cost with us. This will be totally refinished.

**Nick moved to approve the contract; Robert seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

**2. Engineering Services- HVAC Upgrades at the Water Treatment Plant**

As part of the street light performance contract with SmartWatt, the City looked at including HVAC upgrades at the Water Treatment Plant. The HVAC upgrades, which are needed regardless due to the age of the current systems and recent failures, did not meet the guidelines for a performance contract and needed to be bid out. An RFP for the engineering services needed to design the HVAC upgrades opened April 12<sup>th</sup>, with the lowest responsible bid submitted by Hunt Engineering located at 100 Hunt Center in Horseheads, NY for an amount not to exceed \$14,700. Staff recommends awarding the contract to Hunt Engineering.

John added this is something that needs to be done. Nick why they are half the cost, and Jim Sprague ensured they knew this is a responsible bid. He says it tends to depend on the designer, and it likely has to do with how others pump up the scope of work. It may be legit but it's not what we need.

**Robert moved to approved, Nick seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

### **3. Petty Cash for Kershaw**

Historically Kershaw Park has operated on a cash basis when charging non-residents for admission, and petty cash fund is needed for these transactions. City Council authorization is required create this fund, and Staff recommends allocating \$200 from the General Fund to establish the petty cash fund needed to facilitate cash transactions at Kershaw Park for the Summer 2019. Recreation Supervisor Heather Krebs will be the sole concessionaire for these funds.

**Robert moved, Nick seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

### **4. Volunteer Firefighter Tax Exemption**

New York State Real Property Tax Law §466 (A-J) provides for a property tax exemption for volunteer firefighters and volunteer ambulance workers. The exemption provided for in these sections generally exempts real property owned by an enrolled member of an incorporated volunteer fire company to the extent of 10% of assessed value, not exceeding \$3,000 for city, town, village or county property taxes, provided that the governing body, after a public hearing, adopts a local law. However, instead of a uniform exemption across the State, this exemption is only authorized within certain counties (reason that there is 28 subsections) and Ontario County is not a county where such an exemption is authorized so cities, towns, villages and Ontario County cannot adopt such an exemption. As part of our efforts to recruit and retain volunteer firefighters, City Staff is recommending that City Council request legislation from our State representatives in order for Ontario County to be added to the list of authorized counties in order to allow the City to offer this exemption to volunteer firefighters for recruitment and retention.

John clarified we are only asking for legislation to allow municipalities to participate. If they approve it, then Council could approve and decide to offer it. The City can only exempt its own property.

**Nick motioned to approve the request; Robert seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

### **5. MOU for Canandaigua Local Development Corporation, Inc.**

The City, in conjunction with the Canandaigua Chamber of Commerce and the Town of Canandaigua, has been exploring the possibility of forming its own Local Development Corporation (LDC). At its April 4<sup>th</sup> meeting, City Council approved Resolution #2019-028 adopting the bylaws and creating the Canandaigua Local Development Corporation, Inc. The next step required to move the LDC forward is to sign a memorandum of understanding (MOU) formally committing all involved parties to supporting the LDC for a three-year term. A draft of the proposed MOU is included with the supplemental information attached to the agenda for Council to review and discuss at the meeting.

Robert asked why the Chamber is on it, and John said they aren't having a monetary contribution and this is a municipal agreement. The Town has already approved the MOU. The Certificate of Incorporation will be filed after the fact.

Nick moved to approve the motioned, Robert seconded.

**3 in favor, 0 opposed. Motion carries to Full City Council.**

### **6. 2018 Year End Financials**

The unaudited financials for Fiscal Year 2018 were distributed at the March 27<sup>th</sup> Finance/Budget Committee meeting. As in year's past, the review of the financials will continue in subsequent meetings so Staff can answer any questions that City Council may have after reviewing and for the annual presentation from the City's independent auditors.

This item was addressed first. The auditors (Tom Zuber & Mike Deadts) were here to discuss our year end financials. Steve added this is important to ensure the responsible use of taxpayer money. No Modified opinion, with no material weakness or significant deficiencies. These are all positive and indicative of a "clean report." The snapshot Nancy provided of our fiscal year provided to the auditors was an excellent document that met all necessary criteria. This is the first year the City has had to include retirement burden calculations as an audit standard which gets incorporated into both types of report, and there is deficit. Steve clarified it is based on all our employees retiring with health care and realizing those benefits, as well as the pension system. The State pension system is well funded, so right now our liability is relatively small. As of now, NYS does not allow us to fund this obligation. Overall, the City ended the year in good financial condition. All of our funds showed positive growth, and we have a very active capital program. We're doing an excellent job with our capital reserves. There were no deficiencies or weaknesses with our internal control structure, and the auditors recommended increasing cybersecurity and including the idea of potentially sharing legacy costs moving forward.

We then reviewed the 1<sup>st</sup> Quarter, and Nancy showed the pivot table she created to show all of our financials.

**Nick motioned to adjourn; Robert seconded.**

**3 in favor, 0 opposed. Motion carries to Full City Council.**

**Meeting adjourned at 8:26 p.m.**